

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

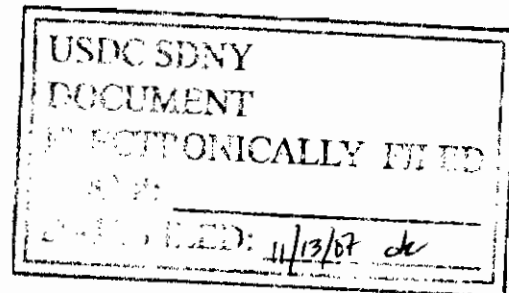
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AUDLEY BARRANCO AND EUGENE MCKIE JR.,

Plaintiffs,

-against-

THE CITY OF NEW YORK and POLICE OFFICER
NICHOLAS LAGANO,

Defendants.
----- X



**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

07 CV 3074 (BSJ)(GWG)

WHEREAS, plaintiffs commenced this action by filing a complaint on or about April 16, 2007, alleging violations of their federal and state rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraphs "2" and "3" below.

2. Defendant City of New York hereby agrees to pay plaintiff Audley Barranco, Twenty Thousand Dollars (\$20,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff Audley Barranco agrees to dismissal of all the claims against defendants, and to release

defendants Nicholas Lagano¹ and City of New York and any present or former employees or agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Defendant City of New York hereby agrees to pay plaintiff Eugene McKie, Jr., Twenty Thousand Dollars (\$20,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff Eugene McKie, Jr. agrees to dismissal of all the claims against defendants, and to release defendants Nicholas Lagano and City of New York and any present or former employees or agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

4. Plaintiffs shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraphs "2" and "3" above and Affidavits of No Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

¹ Being sued herein as "Police Officer Nicholas Lagano."

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York of the New York City Police Department.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
November 2nd, 2007

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By:


JONATHAN STRAUSS (JS 4724)

By:


GABRIEL HARVIS (GH2772)
Assistant Corporation Counsel

SO ORDERED:


U.S.D.J.

11/12/07